

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In Re: Overby-Seawell Company
Customer Data Security Breach
Litigation

Case No. 1:23-md-03056-SDG

**THIRD AND FINAL CONSENT MOTION FOR EXTENSION OF
TIME TO FILE MOTION FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

COMES NOW, Plaintiffs by and through the undersigned counsel, and hereby respectfully request the Court enter an Order granting a brief extension of the deadline for filing their Motion for Preliminary Approval of Class Action Settlement (the “Motion for Preliminary Approval”) to April 10, 2024. Defendants join in Plaintiffs’ third and final request for an extension of time. No further extensions will be sought.

In support of this consent motion, Plaintiffs show the Court as follows:

1. On December 12, 2023, the Plaintiffs and Defendants Overby-Seawell Company and KeyBank N.A. and KeyCorp (“KeyBank” and together “Defendants” (collectively, the “Parties”) filed a Joint Status Report where the Parties informed the Court that they reached a class action settlement in principle. [ECF 123.] The Parties requested that the Court

continue the stay entered in this matter, including any ruling on the Defendants' Motions to Dismiss, while the Parties memorialize the terms of their settlement.

2. Plaintiffs requested 60 (sixty) days, or until February 9, 2024, to file a motion for preliminary approval of the class action settlement. [ECF 123.]
3. On December 13, 2024, the Court entered an Order extending the stay until further notice and directed the Parties to file a Motion for Preliminary Approval by February 9, 2024.
4. Plaintiffs requested a prior extension of the deadline to March 1, 2024 to allow the Parties to complete discussions regarding outstanding details in the Term Sheet and to finalize the Term Sheet. The Court granted the Parties' Consent Motion for Extension on February 7, 2024 allowing the Parties up through March 1, 2024 to file the Motion for Preliminary Approval.
5. The Parties have been meeting and conferring and exchanging iterations of the proposed terms.
6. The Parties have worked diligently to agree to and finalize the terms of settlement and have now resolved the outstanding issues and reached final agreement on the Term Sheet.

7. The Parties are now working diligently to finalize the Settlement Agreement and exhibits, including the forms of Notices to Class Members, the Motion for Preliminary Approval of Class Action Settlement and supporting Memorandum and Exhibits.
8. On February 29, 2024, this Court granted the Parties' Second Consent Motion for the Extension of Time for Plaintiffs to File Motion for Preliminary Approval. [ECF 131.]
9. Since that time, the Parties have exchanged iterations of the Settlement Agreement, Notices, Motion, Supporting Memorandum and Proposed Order.
10. The Parties are close to final versions of all papers.
11. Pursuant to Fed. R. Civ. P. 6(b), Fed. R. Civ. P. 7(b), Local Rule 7.4, and the Court's Standing Order Regarding Civil Litigation, Section II.g, Plaintiffs respectfully request a brief extension through April 10, 2024, to finalize the Settlement Agreement, Notices to Class Members and related exhibits to the Settlement Agreement and to file the Motion for Preliminary Approval.
12. Accordingly, Plaintiffs verify that this extension is not being sought for the purpose of delay. Instead, it is being sought to allow the Parties time to properly analyze details in the Settlement, allow Defendants' clients

sufficient time to review and approve the forms, and the Parties time to finalize the Settlement Agreement, Notices and Exhibits and to finalize the Preliminary Approval filing.

13. Counsel for Plaintiffs have communicated with Defendants' counsel, and Defendants' counsel and they support the request for the relief requested in this motion and consent to the extension of time for Plaintiffs to exchange documents with Defendants' counsel, allow them time to obtain client approval of the form of the documents, and allow Plaintiffs time to file their Motion for Preliminary Approval of Class Action Settlement, supporting Memorandum, the Settlement Agreement and its Exhibits.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order allowing Plaintiffs through April 10, 2024, to file their Motion for Preliminary Approval of Class Action Settlement, supporting Memorandum, the Settlement Agreement and its Exhibits. A Proposed Order is attached for the Court's consideration.

Dated: March 27, 2024.

Respectfully submitted,

/s/MaryBeth V. Gibson
MaryBeth V. Gibson
Georgia Bar No. 725843
GIBSON CONSUMER LAW GROUP, LLC
4729 Roswell Road, Suite 208-108
Atlanta, GA 30342
Phone: (678) 642-2503
Email:

marybeth@gibsonconsumerlawgroup.com

**M. Anderson Berry (*pro hac vice*)
CLAYEO C. ARNOLD,
A PROFESSIONAL CORPORATION
865 Howe Avenue
Sacramento, CA 95825
Telephone: 916-239-4784
Fax: 916-924-1829
Email: aberry@justice4you.com**

*Interim Co-Lead Counsel for Plaintiffs and
the Putative Class*

CERTIFICATE OF SERVICE & COMPLIANCE

I hereby certify that on this date I served the **THIRD AND FINAL CONSENT MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** via the CM/ECF system, which will automatically provide email notification and service of such filing to counsel of record for all parties registered with the Court for electronic filing.

I further certify that the foregoing pleading has been prepared with Times New Roman, 14-point font, in compliance with L.R. 5.1B.

This 27th day of March, 2024.

/s/ MaryBeth V. Gibson
MARYBETH V. GIBSON